

Decision \_\_\_\_\_

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Southern California Edison Company (U 338-E) for Approval of Incremental Energy Efficiency Program Activities for Summer 2005.

Application 05-02-029  
(Filed February 25, 2005)

**OPINION ADDRESSING REQUESTS FOR INTERVENOR COMPENSATION  
BY THE UTILITY REFORM NETWORK AND WOMEN'S ENERGY MATTERS  
FOR CONTRIBUTIONS TO DECISION 05-05-012****I. Summary**

This decision awards The Utility Reform Network (TURN) \$7,304.95, which is the full amount of its amended request, for its contributions to Decision (D.) 05-05-012. Today's decision denies the Women's Energy Matters (WEM) request for \$4,800.00; WEM did not show that it made substantial contributions to D.05-05-012. This proceeding is closed.

**II. Background**

This proceeding involved a request by the Southern California Edison Company (SCE) for extraordinary funds for energy efficiency programs designed to reduce peak demand during the summer of 2005. Because SCE did not issue its request for funding until February 25, 2005, and the programs required a spring start-up, the entire process occurred on an extremely expedited basis. From filing to final decision, this docket was open for only 66 days.

Despite shortened protest and comment periods, TURN and the Commission's Division of Ratepayer Advocates (DRA)<sup>1</sup> met with SCE to suggest program modifications (some of which were endorsed by SCE in the first few days), filed protests suggesting further changes, met with SCE again, and filed rounds of comments. TURN and DRA recognized the urgency of getting the programs in place, and offered many constructive suggestions.

### **III. Requirements for Awards of Compensation**

The intervenor compensation program, enacted in Pub. Util. Code §§ 1801-1812, requires that the intervenor satisfy all of the following procedures and criteria to obtain a compensation award:

1. The intervenor must be a customer or a participant representing consumers, customers, or subscribers of a utility subject to our jurisdiction. (§ 1802(b).)
2. The intervenor must satisfy certain procedural requirements including the filing of a sufficient notice of intent (NOI) to claim compensation within 30 days of the prehearing conference (PHC) (or in special circumstances, at other appropriate times that we specify). (§ 1804(a).)
3. The intervenor must file and serve a request for a compensation award within 60 days of our final order or decision in a hearing or proceeding. (§ 1804(c).)
4. The intervenor must demonstrate significant financial hardship. (§ 1803(b).)
5. The intervenor's presentation must have made a substantial contribution to the proceeding, through the adoption, in whole or in part, of the intervenor's contention or recommendations by a Commission order or decision. (§ 1803(a).)

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<sup>1</sup> Formerly the Office of Ratepayer Advocates (ORA). Change effective January 1, 2006, pursuant to Senate Bill 608.

6. The claimed fees and costs are reasonable (§ 1801), necessary for and related to the substantial contribution (D.98-04-059), comparable to the market rates paid to others with comparable training and experience (§ 1806), and productive (D.98-04-059).

For discussion here, the procedural issues in Items 1-3 above are combined, followed by separate discussions on Items 4, 5, and 6.

#### **IV. Procedural Issues**

##### **A. Customer Status**

Pub. Util. Code § 1803 provides that the Commission shall award compensation for participation in a Commission proceeding by a customer who also complies with other statutory requirements.

Section 1802 (b)(1) states that “customer” means any of the following:

- (A) A participant representing consumers, customers, or subscribers of any electrical, gas, telephone, telegraph, or water corporation that is subject to the jurisdiction of the commission.
- (B) A representative who has been authorized by a customer.
- (C) A representative of a group or organization authorized pursuant to its articles of incorporation or bylaws to represent the interests of residential customers, or to represent small commercial customers who receive bundled electric service from an electrical corporation.

TURN is a non-profit consumer advocacy group specifically organized to represent the interests of residential and small commercial utility customers in California. TURN has a long history of representing consumers before the Commission, and we find that TURN qualifies as a customer pursuant to § 1802(b)(1)(C).

WEM does not identify the nature of its organization, but simply states that it “has been authorized to represent Ardys De Lu, a low-income California

ratepayer residing in Berkeley, and by extension, other residential and small business ratepayers in California, particularly women, including those in Edison's territory." WEM does not offer articles of incorporation or bylaws to support its contention of representing "other" residential small business customers. However, it does provide evidence that it has been authorized to represent a customer, and thereby qualifies as a customer pursuant to § 1802(b)(1)(B).

In D.05-05-012, the Commission noted that WEM has only

"one identified ratepayer client who is a [Pacific Gas and Electric Company] PG&E ratepayer. We are deeply concerned that WEM has failed to show how its ratepayer client will be affected by an application that proposes to use SCE ratepayer funds to address capacity concerns specific to SCE's service territory. As such, we advise WEM that we will carefully scrutinize any filing it makes in this proceeding seeking intervenor compensation."

In its request for compensation, WEM responds by stating it represents De Lu in Rulemaking (R.) 01-08-028, our wide-ranging energy efficiency docket, of which PG&E is one of the respondents. WEM goes on to argue that the,

"Commission requires utilities to provide 'statewide' programs for large, medium and small businesses and residential customers that are substantially similar across utility territories. Several such programs, including the Residential Single Family Rebates program, Standard Performance Contract program, and Express Efficiency, were undergoing 'emergency' modifications in this proceeding. WEM has learned in R.01-08-028 that policy changes regarding one utility's programs are often extended to other utility territories through such statewide programs. This is even true of emergency policies; for example, in 2003 the Commission granted PG&E's 'emergency' proposal to raise business rebate levels in its San Francisco Peak Energy Program and soon afterward the utilities requested and received permission to raise business rebate levels in statewide programs in all territories. Therefore, WEM believes that

the policies applied to [SCE's] summer 2005 program could set precedents for programs in PG&E's territory where our ratepayer resides."

This is a reasonable concern. For instance, in D.05-05-012, we have considered such issues as the lifting of age limits on refrigerators and freezers eligible for recycling incentives, and the appropriate assumed useful life of compact fluorescent fixtures. While the Commission's determinations in D.05-05-012 do not bind us for future purposes, it would be unrealistic to suggest that they will not affect our consideration as to whether these policies should apply to PG&E and others. For that reason, it is reasonable to suggest that WEM's client could have an interest in the outcome of this proceeding. WEM has satisfactorily responded to the concern raised by the Commission in D.05-05-012, and that concern does not negate our finding that WEM qualifies as a customer pursuant to § 1802(b)(1)(B).

### **B. Timeliness of Filings**

The compressed schedule allowed no time for a PHC, or many of the other traditional steps that would have triggered NOI filings. Thus, TURN filed its NOI concurrent with its request for compensation, and WEM incorporated its notice into its request for compensation. These filings were all made on July 11, 2005, within 60 days of D.05-05-012 being issued, and we accept the information provided in the requests as satisfying the requirements of the NOI.

### **V. Financial Hardship**

An intervenor seeking compensation must show that, without undue hardship, it cannot pay the reasonable costs of effective participation in the proceeding. In the case of groups or organizations, significant financial hardship is demonstrated by showing that the economic interest of individual members is

small compared to the overall costs of effective participation. (Pub. Util. Code § 1802(g).) Such a finding is normally made in the Administrative Law Judge's (ALJ) preliminary ruling as to whether the customer will be eligible for compensation (§ 1804(b)).

In its NOI, TURN asserted financial hardship through a rebuttable presumption, as allowed by § 1804(b)(1), by showing a finding to meet this requirement was made in another proceeding within one year of the commencement of this proceeding (Ruling dated July 27, 2004 in R.04-04-003). We find that TURN meets the significant financial hardship condition.

WEM presented financial information related to De Lu in the form of tax returns over several years. A review of this information shows that De Lu could not participate effectively in this proceeding without experiencing significant financial hardship. Thus, we find that WEM meets the financial hardship requirements as set forth in § 1802(g).

Overall, we find that TURN and WEM have satisfied all the procedural requirements necessary to claim compensation in this proceeding.

## **VI. Substantial Contribution**

"Substantial contribution" means that the customer's presentation has substantially assisted the Commission in the making of its order or decision because the order or decision has adopted in whole or in part one or more factual contentions, legal contentions, or specific policy or procedural recommendations presented by the customer (§ 1802(i)). In elaborating upon this standard, the Commission has stated:

"A party may make a substantial contribution to a decision in various ways. It may offer a factual or legal contention upon which the Commission relied in making a decision. Or it may advance a specific policy or procedural recommendation that the

[Administrative Law Judge] or Commission adopted. A substantial contribution includes evidence or argument that supports part of the decision, even if the Commission does not adopt a party's position in total. The Commission has provided compensation even when the position advanced by the intervenor is rejected." (D.99-08-006.)

In addition, the Commission has determined that an intervenor's contribution to a final decision may be supported by contributions to the ALJ's proposed decision, even where the Commission's final decision does not mirror the proposed decision on that issue. (D.99-11-006, pp. 9-10 (citing D.99-04-004 and D.96-08-023); D.01-06-063, pp. 6-7.)

### **TURN**

TURN made a substantial contribution by having many of its recommendations adopted by the Commission in D.05-05-012. The Commission explicitly acknowledged the impact of TURN's efforts on its consideration of SCE's application, stating, "We are grateful for TURN's and ORA's [DRA's] efforts to respond to SCE's proposal in a very short period of time, while striving to make the program as effective as possible." (D.05-05-012, *mimeo.*, p. 20).

Though TURN supported SCE's request for authorization to spend additional energy efficiency funds to target its summer 2005 peak, it challenged SCE's particular spending proposal in three areas: 1) TURN urged SCE to achieve what it considered to be a more equitable distribution of funds between residential and nonresidential programs, as SCE had proposed to target only 12% of the incremental funding to residential programs; 2) TURN advocated a different targeting of critical peak load residential air conditioning equipment, arguing that SCE's proposed allocation of funds among particular energy efficiency measures did not represent the most effective or efficient way to address summer peak demand problems; and 3) TURN opposed SCE's proposed

emphasis on ENERGY STAR® refrigerators, since heating, ventilation, and air conditioning (HVAC) measures produce a higher peak reduction per dollar than ENERGY STAR® refrigerators, which offer the least benefit per dollar of the most readily available energy savings strategies. (*See* D.05-05-012, *mimeo.*, p. 17.)

TURN immediately began working informally with SCE to address these concerns. By the time protests were due, SCE had agreed to reallocate about \$4 million of the requested \$57 million from nonresidential programs to residential space cooling measures, bringing the total residential allocation of incremental funds from 12% to almost 19%. However, TURN and SCE had not yet reached an agreement on the appropriate allocation between residential and nonresidential customers and the right mix of energy efficiency measures. Nonetheless, in its reply to protests and responses, SCE announced it had agreed to a 30% / 70% split among residential and nonresidential programs. In consideration of TURN's comments, SCE agreed to modify its proposed single-family rebate activities to include an incremental residential central air conditioning incentive and to expand the point-of-sale strategy to include energy-efficient room air conditioners and whole house fans. To implement these additional measures, SCE agreed to shift \$10 million away from proposed nonresidential program activities to the Residential Single Family Rebate Program. These additional funds brought the total residential funding allocation from \$7 million to \$17 million, or 30% of the requested incremental funds.

In D.05-05-012, the Commission supported the agreement that TURN and SCE reached on funding allocation and the targeting of residential HVAC measures. The Commission found that “[i]t will be beneficial to all involved if more incremental incentive dollars go to the installation of whole house fans,



pool pumps and air conditioners, and fewer go to ENERGY STAR refrigerators.” (D.05-05-012, Finding of Fact 7; *see also id.*, *mimeo.*, pp. 20-21.)

TURN supported the determination that the age restriction in the residential appliance recycling program should be removed. TURN also noted that DRA and SCE correctly maintained that SCE would miss valuable savings opportunities so long as the restriction remained. (*See* TURN Comments, pp. 4-5.) As the Commission explained, “TURN also supported the removal of this restriction in its comments on the Draft Decision, stating that, ‘Because program cost-effectiveness would not be significantly lessened through the lifting of the restriction, we find merit in expanding the opportunities for residential customers to participate in this energy efficiency program now.’” (D.05-05-012, *mimeo.*, p. 21.) Finding this rationale persuasive, the Commission agreed. (*See id.*, p. 21.)

Also, TURN argued that the Commission should not direct SCE to use some of the authorized incremental funds to augment its “Flex Your Power” marketing and outreach effort related to this summer in Southern California. (*See* TURN Comments, p. 5.) D.05-05-012 states that “We appreciate these comments and agree that no incremental funding should be allocated to the *Flex Your Power* campaign in the context of this application.” (D.05-05-012, *mimeo.*, p. 24.)

Finally, TURN argued that the Commission should reject SCE’s proposed extension of the residential portion of the summer 2005 incremental energy efficiency program activity throughout the remainder of the year, since the purpose of the incremental funding was to help SCE avoid a potential summer 2005 energy shortfall. (*See* TURN/DRA Reply Comments, p. 3.) While not directly addressing SCE’s request, the Commission nonetheless only

authorized the residential portion of SCE's proposal through the 2005 summer in D.05-05-012. Similarly, TURN argued in reply comments that the Commission should authorize the eligibility of Direct Access customers to participate in SCE's incremental summer 2005 energy efficiency activities because they contribute to the funding sources that will be used by SCE for those activities. (*See* TURN/DRA Reply Comments, p. 3.) The Commission agreed with TURN, DRA, and SCE that such customers should be able to participate in SCE's summer 2005 incremental energy efficiency program. (*See* D.05-05-012, *mimeo.*, p. 39.)

Regarding duplication, we agree with TURN that in a proceeding involving multiple participants, it is virtually impossible to completely avoid some duplication of the work of other parties. TURN states that it took all reasonable steps to keep duplication to a minimum and to ensure that its work served to supplement, complement, or contribute to the showing of the other very active party in this proceeding, DRA. (*See* § 1802.5.) TURN states that it collaborated closely with DRA throughout this proceeding, coordinating discovery, analysis of SCE's application, and discussions with SCE. TURN and DRA jointly prepared reply comments on the Draft and Alternate Decisions. TURN would have found it counterproductive to have taken any additional steps to reduce duplication in a proceeding such as this where high-quality, quickly delivered analysis and recommendations were critically important.

We find that TURN made a substantial contribution to D.05-05-012 and should be fully compensated for its efforts.

#### **WEM**

WEM asserts that it made a substantial contribution to D.05-05-012. We disagree and deny WEM's request for compensation.

In this proceeding, SCE reduced its energy savings claim for compact fluorescent lights from eight years to two. WEM claims that SCE reduced its claim after WEM objected, in its March 17, 2005 comments, to the use of the higher estimate. WEM cites D.05-05-012 (p. 37), which states that, “SCE has accepted a different assumption, for the purposes of this proceeding, as to the expected useful life of compact fluorescent fixtures. This would seem to answer Women’s Energy Matters’ immediate concern.” WEM argues this demonstrates the Commission recognized WEM’s contribution and implicitly concurred in the results. We disagree, as we will discuss shortly.

WEM also argued that SCE should allocate more funds to residential customers, particularly multifamily customers. D.05-05-012 notes (p. 10) that SCE shifted more funds to residential customers, although it mentioned only TURN’s role in producing that result.

In its response to WEM’s request for compensation, SCE argues that WEM failed to make a substantial contribution to the outcome of the proceeding because WEM’s comments were either duplicative of other parties, beyond the scope of the proceeding, or simply joining in after the issue had been raised by others. SCE claims DRA, not WEM, raised the issue of the recent study finding the useful life of compact fluorescent lights to be between 2.2 and 2.9 years. In response to DRA’s concern, SCE agreed to modify its proposal.

SCE states it was never directly approached by WEM about compact fluorescent lights, nor did WEM ever have any conversations with SCE regarding the useful life assumptions used. SCE states that it did have detailed discussions with TURN and DRA throughout the proceeding about compact fluorescent lights and the findings of the study, with no input from WEM.

WEM did “. . . ask the Commission to immediately open an investigation into the creation of the Summer 2005 plan, which it considers to be fraudulent, and hold hearings on what it calls ‘the issue of utility gaming of the energy efficiency system.’” The Commission rejected this proposal as beyond the scope and “. . . not the time or the place to consider any further investigations related to this issue.” (D.05-05-012, p. 40.)

WEM also claims to have made a substantial contribution by recommending a \$750 per kilowatt adder to all measures in order to more comprehensively address peak savings this summer. The decision makes no mention of WEM with respect to comprehensiveness while making detailed comment on the substantial contributions of both DRA and TURN. By WEM’s own admission, it did not make this proposal until filing its May 2, 2005 Reply Comments, three days before the decision date. As SCE points out, clearly, WEM did not raise the issue. That the Final Decision made no change to the Draft Decision in this regard also suggests that WEM did not contribute on this point. WEM only provided a comment on an issue earlier raised by DRA and TURN, and resolved between those parties and SCE.

Finally, WEM claims significant contribution to the issue of increasing incremental residential program funding. TURN raised the issue of “Allocation of Funding among Programs.” TURN objected to SCE’s initially proposed allocation of funds between residential and nonresidential. In response to the protests, SCE revised its program and allocated more funds to the Residential Programs. WEM first discussed the issue after the Draft Decision and Alternate Decision were mailed in its Comments filed on April 26, 2005, and Reply Comments filed on May 2, 2005. It is understandable that new comments would appear late in the process when the entire process consumes only 66 days.

However, WEM's contribution was duplicative of an issue and a recommendation earlier raised by others and already discussed in the Alternate Decision.

WEM asserts no duplication of effort occurred because its main concern related to the assumed useful life of compact fluorescent lights, an issue that it claims other parties did not address. We disagree. First, WEM did discuss other issues that were also addressed by other parties. More significantly, DRA raised the compact fluorescent bulb useful life issue at the outset, discussing it in comments filed on March 18, 2005. We find that WEM did not supplement, complement, or contribute to DRA's recommendation. (*See* § 1802.5.)

Though the statute does not require the Commission to adopt or describe all of an intervenor's positions in order to conclude that there was a substantial contribution, we find that WEM did not make a substantial contribution here. For all of the reasons above, we deny WEM's request for compensation.

## **VII. Reasonableness of the Requested Compensation**

### **A. TURN**

TURN originally requested \$8,092.45, itemized as follows:

#### **Attorney Fees**

Hayley Goodson	21.00	hours X	\$220	(2005) =	\$4,620.00
Hayley Goodson	8.00	hours X	\$110	(2005) =	\$880.00
<b>Hayley Goodson Total</b>					<b>\$5,500.00</b>
Robert Finkelstein	1.25	hours X	\$425	(2005) =	\$531.25
<b>Robert Finkelstein Total</b>					<b>\$531.25</b>
<b>Attorney Subtotal</b>					<b>\$6,031.25</b>

#### **Expert Witness Costs**

Cynthia K. Mitchell, Energy Economics, Inc.	14.25	hours X	\$140.00	(2005) =	\$1,995.00
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Cynthia K. Mitchell, Energy Economics, Inc.  
Total

\$1,995.00

Expert Witness Subtotal

\$1,995.00

### Other Costs

Photocopying expenses = \$62.00

Postage costs = \$4.20

Other Costs Subtotal = \$66.20

**TOTAL = \$8,092.45**

As discussed below, TURN revised the request downward to \$7,304.95, the amount we award in this decision.

### **Productivity**

D.98-04-059 adopted a requirement that a customer must demonstrate its participation was “productive,” as that term is used in § 1801.3. Participation must be productive in the sense that the costs of participation should bear a reasonable relationship to the benefits realized through such participation. Customers are directed to demonstrate productivity by assigning a reasonable dollar value to the benefits of their participation to ratepayers. This showing assists us in determining the reasonableness of the request.

TURN argues that its contributions to D.05-05-012 included increasing SCE’s expenditure on energy efficiency programs for residential ratepayers by \$10 million above that proposed by SCE in its application. Accordingly, SCE’s residential ratepayers will have access to these dollars in the form of incentives for energy efficiency measures this summer. Moreover, residential ratepayers participating in SCE’s energy efficiency programs will spend less on electricity bills resulting from increased energy efficiency. SCE forecasted that this additional \$10 million in funding for the Residential Single Family Rebate Program would generate 15,477,467 kilowatt-hour (kWh) in savings. (See

D.05-05-012, *mimeo.*, p. 13, Table 4, and p. 20 (describing respectively SCE's originally forecasted targets and the new targets accounting for the additional \$10 million).) At SCE's average residential rate of 13.012¢ per kWh, SCE's residential ratepayers would save just over \$2 million as a result of TURN's efforts in this proceeding. (See D.05-03-022, Appendix A (adopting the settlement agreement in SCE's 2003 GRC Phase 2).) Acknowledging this analysis relies on overly simplified assumptions concerning energy efficiency programs, TURN concludes that its contributions to D.05-05-012 will generate approximately \$12 million in benefits for residential ratepayers – \$10 million in direct energy efficiency program benefits and \$2 million in indirect bill impacts.

Additionally, TURN argues that its advocacy increased the ability of D.05-05-012 to effectuate the peak demand reductions underlying SCE's application by ensuring that SCE will spend incremental funds on energy efficiency measures that strategically impact summer coincident peak. As this contribution was more a policy matter than the establishment of specific rates, funding levels or targets, or disputes over particular dollar amounts, TURN cannot identify precise monetary benefits to ratepayers, but argues that its contributions will promote long-term rate stability, reduce risks to ratepayers, and contribute to resource diversity that should help to mitigate the impact of future market dysfunction.

We agree with TURN's general assessment of the value of its contributions in this proceeding. It is clear that TURN helped create benefits for residential consumers that vastly outweigh the cost of its participation.

### **Hours Claimed**

Hayley Goodson served as TURN's primary attorney in this proceeding, with occasional assistance from TURN Executive Director Robert Finkelstein.

TURN provided a daily listing of the specific tasks performed by Goodson and Finkelstein.

TURN also relied on outside expert witnesses Cynthia Mitchell to assist with its work. Mitchell analyzed SCE's application and represented TURN's concerns during negotiations with SCE. While no formal expert testimony has been served in this proceeding, TURN incorporated Mitchell's recommendations regarding funding allocation, end-use targeting and other program design and delivery issues. Overall, we find the hours and tasks commensurate with the work performed.

### **Market Rate Standard**

D.05-11-031 established principles and ranges for setting hourly rates for work performed in 2005. TURN amended its request for compensation on December 8, 2005, to adjust the hourly rates requested as necessary to be consistent with D.05-11-031.

For Goodson and Finkelstein, under D.05-11-031 their 2005 rates should be the same as previously approved 2004 rates. TURN modified its request downward to \$190/hour for Goodson and \$395/hour for Finkelstein. These amendments result in a reduction of \$787.50 to TURN's original request. TURN did not amend the requested rate of \$140/hour for Mitchell.

We previously approved hourly rates of \$190 for Goodson, and \$395 for Finkelstein, for 2005 work in D.05-10-010, and adopt those rates here. We also approved a \$140/hour rate for Mitchell for 2005 in a previous order, and adopt that rate here.



**Expenses**

TURN's miscellaneous expenses of \$66.20 consist entirely of photocopying and postage that relate to the preparation and distribution of comments and other pleadings in this proceeding. We find these expenses reasonable.

TURN's amended request is outlined in the table below, a \$787.50 reduction to its original request (amendments in ***bold italics***). The total of the amended request is \$7,304.95.

**Attorney Fees**

Hayley Goodson	21.00	Hours X	<b>\$190</b>	(2005) =	<b>\$3,990.00</b>
Hayley Goodson	8.00	Hours X	<b>\$95</b>	(2005) =	<b>\$760.00</b>
<b>Hayley Goodson Total</b>					<b>\$4,750.00</b>
Robert Finkelstein	1.25	Hours X	<b>\$395</b>	(2005) =	<b>\$493.75</b>
<b>Robert Finkelstein Total</b>					<b>\$493.75</b>
<b>Attorney Subtotal</b>					<b>\$5,243.75</b>

**Expert Witness Costs**

Cynthia K. Mitchell, Energy Economics, Inc.	14.25	hours X	\$140.00	(2005) =	\$1,995.00
<b>Expert Witness Subtotal</b>					<b>\$1,995.00</b>

**Other Reasonable Costs**

Photocopying expenses	=	\$62.00			
Postage costs	=	\$4.20			
<b>Other Costs Subtotal</b>	=	<b>\$66.20</b>			
			<b>TOTAL</b>	=	<b>\$7,304.95</b>

**Award**

We award TURN \$7,304.95, the full amount of its amended request. Consistent with previous Commission decisions, we will order that interest be paid on the award amount (calculated at the three-month commercial paper rate), commencing on September 24, 2005, the 75<sup>th</sup> day after TURN filed its compensation request, and continuing until full payment of the award is made.

As in all intervenor compensation decisions, we put TURN on notice that the Commission staff may audit TURN's records related to this award. Thus, TURN must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. TURN's records should identify specific issues for which it requests compensation, the actual time spent by each

employee, the applicable hourly rate, fees paid to consultants, and any other costs for which compensation may be claimed.

### **B. Women's Energy Matters**

WEM seeks \$4,800, detailed as follows:

Date Activity	Hours	Rate	Amount
3/15/05 review & discuss Edison summer program documents	3.5	150	525.00
3/16/05 review & discuss Edison docs	2	150	300.00
3/17/05 draft and file WEM comment; read others' comments	4.5	150	675.00
4/12/05 discuss Edison filings & WEM comments with Rich	0.5	150	75.00
4/24/05 review draft comment on DD/AD with Rich, prepare questions, revisions	2.25	150	337.50
4/25/05 discuss draft & revisions with Rich E	1.25	150	187.50
4/26/05 complete & file comments	5.25	150	787.50
4/29/05 review docs, discuss upcoming comment w/Rich	1.25	150	187.50
5/2/05 WEM Reply Comment on DD/AD - review notes, review draft and discuss w/Rich, revise draft & file	6.25	150	937.50
7/9/05 compensation request	4.5	75	337.50
7/11/05 compensation request	6	75	450.00
Total	37.25		4800.00

### **Overall Benefits of Participation**

WEM did not offer a reasonable quantitative or qualitative value of any ratepayer benefits resulting from its participation.

### **Hours Claimed**

WEM seeks compensation for the hours spent by Barbara George in reviewing the application and preparing pleadings.

### **Hourly Rates**

WEM seeks \$150 per hour for the time spent by George related to this proceeding. This is identical to the rate approved for George in D.05-01-007.

**Costs**

WEM is not seeking recovery of costs.

**Award**

WEM's request for compensation is denied as it did not make a substantial contribution to D.05-05-012, and did not provide the level of detail and breakdown of costs by issue. From the information provided, we cannot determine how WEM's participation relates to any particular issue. In addition, WEM has not quantified the likely value to ratepayers resulting from its contribution.

**VIII. Assignment of Proceeding**

Michael R. Peevey is the Assigned Commissioner and Steven Weissman is the assigned ALJ in this proceeding.

**IX. Comments on Draft Decision**

This is an intervenor compensation matter. Accordingly, as provided by Rule 77.7(f)(6) of our Rules of Practice and Procedure, we waive the otherwise applicable 30-day comment period for this decision.

**Findings of Fact**

1. TURN has satisfied all of the procedural requirements necessary to claim compensation in this proceeding.
2. TURN made a substantial contribution to D.05-05-012.
3. TURN's requested level of compensation of \$7,304.95 is reasonable and consistent with the scope of its participation in this proceeding.
4. WEM did not demonstrate that it made a substantial contribution to D.05-05-012.
5. The Appendix to this opinion summarizes today's award.

**Conclusions of Law**

1. TURN fulfilled the requirements of Pub. Util. Code §§ 1801-1812, which govern awards of intervenor compensation, and is entitled to its claimed compensation incurred in making substantial contributions to D.05-05-012.

2. TURN should be awarded \$7,304.95 in compensation for its substantial contributions to D.05-05-012.

3. WEM's request for compensation for work related to D.05-05-012 should be denied.

4. Per Rule 77.7(f)(6), the comment period for this compensation decision should be waived.

5. Today's order should be made effective immediately.

**O R D E R**

**IT IS ORDERED** that:

1. The Utility Reform Network (TURN) is awarded \$7,304.95 for its substantial contributions to Decision (D.) 05-05-012.

2. The award granted by Ordering Paragraph 1 shall be paid by Southern California Edison Company within 30 days of the effective date of this order. Payment of the award shall include interest at the rate earned on prime, three-month commercial paper, as reported in Federal Reserve Statistical Release H.15, beginning with September 24, 2005, the 75<sup>th</sup> day after the filing date of TURN's requests for compensation, and continuing until full payment is made.

3. The request of Women's Energy Matters for compensation for its work related to D.05-05-012 is denied.

4. Application 05-02-029 is closed.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

## APPENDIX

### Compensation Decision Summary Information

<b>Compensation Decision:</b>	
<b>Contribution Decision(s):</b>	D0505012
<b>Proceeding(s):</b>	A0502029
<b>Author:</b>	ALJ Weissman
<b>Payer(s):</b>	Southern California Edison Company

### Intervenor Information

<b>Intervenor</b>	<b>Claim Date</b>	<b>Amount Requested</b>	<b>Amount Awarded</b>	<b>Multiplier?</b>	<b>Reason Change/Disallowance</b>
The Utility Reform Network	7/11/2005	\$7,304.95	\$7,304.95	No	
Women's Energy Matters	6/10/2005	\$4,800.00	\$0.00	No	No Substantial Contribution

### Advocate Information

<b>First Name</b>	<b>Last Name</b>	<b>Type</b>	<b>Intervenor</b>	<b>Hourly Fee Requested</b>	<b>Year Hourly Fee Requested</b>	<b>Hourly Fee Adopted</b>
Robert	Finkelstein	Attorney	The Utility Reform Network	\$395	2005	\$395
Hayley	Goodson	Attorney	The Utility Reform Network	\$190	2005	\$190
Cynthia	Mitchell	Expert	The Utility Reform Network	\$140	2005	\$140

(END OF APPENDIX)